

IN THE COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE JURISDICTION

WRIT PETITION NO. 1809 OF 2006

Chandrakant Hargovindas Shah ...Petitioners
VS.
Deputy Chief Minister and Home
Minister, Maharashtra & Ors. ...Respondents

Mr.A.K. Suryavanshi i/by. Milind Parab
for the petitioners.
Mr.Milind More, AGP for respondents.

CORAM: J.N.PATEL, J.

S.C.DHARMADHIKARI, J.

DATE ; 6TH FEBRUARY, 2007.

P.C :-

1. Heard. The petitioner has impugned the order dated 19.6.2006 passed by the Hon'ble Home Minister wherein his appeal came to be dismissed. Petitioner was given three Arms licence for possession of Arms by the licensing authority under the Arms Act as under :- B0/50/Oct/1990- Granted on 20.10.1990, B0/50A/Oct.1990- Granted on 20.10.1990 under Form No.III, B0/486/II/1999- Granted on 16.10.1999 under Form No.II under which he was permitted to own and

posses the description of weapons mentioned in the licence and primarily for the purposes of using it for sports activities. It came to the notice of the authorities that the Petitioner has contravened the provisions of Section 17(3)(d) of the Arms Act. The licensing authorities after giving due opportunity to the petitioners, cancelled his license. The nature of contravention alleged against the Petitioner has been annexed to the Affidavit-in-reply. Further the petitioner was also detained under The Conservation of Foreign Exchange and Prevention of Smuggling Act (COFEPOSA) for such activities. The Petitioner challenged the order passed by the licensing authorities before the State by preferring an Appeal which came to be dismissed.

3. It is the contention of the Petitioner, that the impugned order cannot be sustained in law as the authorities did not consider that the petitioner has transacted in weapons in accordance with the terms of license by seeking permission of competent authority and further he was never given an opportunity to explain that he has not committed any breach of the

licence.

4. We find that there is no substance in the contention of the Petitioner as the order passed by the licensing authority as well as the Hon'ble Home Minister has taken a note of breach of the terms and conditions of licence. The purpose of granting such licence to the petitioner was to facilitate him to use the said licence only for carrying out sports activities. On the other hand, it has been found that the Petitioner has misused the licence for fire Arms and ammunitions for trading of and there is overwhelming evidence on record, and the same is within the exclusive knowledge of the Petitioner and therefore the impugned order does not call for any interference. Petition is dismissed.

(J.N.PATEL, J)

(S.C.DHARMADHIKARI, J)